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Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,) NO. CR 19-0102 EMC
14 Plaintiff,)
15 v.) UNITED STATES' MOTION TO DISMISS
16 JOHN C. FRY,) COUNTS 2, 3, AND 4 OF THE INDICTMENT
17 Defendant.) AND [PROPOSED] ORDER
18 _____)

19 With leave of the Court, and pursuant to the Plea Agreement (ECF No. 31) and Federal Rule of
20 Criminal Procedure 48(a), the United States moves to dismiss Counts Two and Three of the Indictment
21 in the above captioned case against John C. Fry, charging him with misuse of a computer in violation of
22 18 U.S.C. § 1030(a)(2), and moves to dismiss Count Four of the Indictment, charging Mr. Fry with use
23 of a social security number in violation of 42 U.S.C. § 408(a)(8), with prejudice.

24 DATED: January 15, 2020

Respectfully submitted,

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26 DAVID L. ANDERSON
United States Attorney

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28 /s/ *Kimberly Hopkins* _____
KIMBERLY HOPKINS
Assistant United States Attorney

1 **[PROPOSED] ORDER**

2 Leave is granted to the United States to dismiss Counts Two and Three of the Indictment in the
3 above captioned case against John C. Fry, charging him with misuse of a computer in violation of 18
4 U.S.C. § 1030(a)(2), and to dismiss Count Four of the Indictment, charging Mr. Fry with use of a social
5 security number in violation of 42 U.S.C. § 408(a)(8), with prejudice.

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8 Date: January 16, 2020



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HON. EDWARD M. CHEN
United States District Judge